

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER REGARDING VNA'S MERCURY AND RASKY
SUBMISSION AND REGARDING VNA AND PLAINTIFFS'
AUGUST 9, 2023 SUBMISSIONS**

On July 18, 2023, Individual Plaintiffs submitted a proposed agenda item for adjudication on July 25, 2023. The topic was the following: "Plaintiffs' challenges to Veolia's response to Plaintiffs' Fifth RPDs and accompanying privilege assertions." The Court obtained 1-page summaries of the parties' dispute. Upon review of the summaries, the Court determined that a hearing need not be held on June 25, 2023 to adjudicate this issue. The Court ordered VNA to file any additional contracts with Mercury and Rasky no later than 5:00pm on Friday July 28, 2023. VNA did so. (ECF No. 2542.)

Upon review of VNA's filing (ECF No. 2542), the Court finds that: (1) to the extent the documents are unsigned, they are not contracts that should be considered in this dispute; and (2) the rulings the Court articulated at the July 19, 2023 conference regarding VNA's privilege assertions regarding documents and communications where Mercury and/or Rasky are included and/or copied remain unchanged by the documents VNA provided to the Court on July 28, 2023. The Court's rulings articulated on July 19, 2023 are equally applicable to VNA's documents and privilege assertions after January 31, 2017. (*See* ECF No. 2521 (defining VNA's understanding of the relevant time period in the Court's Order (ECF No. 2514) as June 22, 2016 through January 31, 2017).)

At the July 19, 2023 hearing, the Court permitted VNA until August 9, 2023 to notify the Court as to whether it would conduct its own internal review of its previously-designated privileged documents in light of the Court's rulings on July 19, 2023, or whether VNA requests the assistance of a third party to make specific rulings prior to production. This ruling now includes assertions made in response to Plaintiff's Fifth Requests for Production.

Additionally, as set forth on the record on May 17, 2023, and discussed again at the June 13, 2023 hearing, Plaintiffs' comprehensive report regarding their discovery into VNA's media/PR initiatives is to be filed no later than August 9, 2023. The comprehensive report should include a detailed summary of what Plaintiffs have learned from the relevant discovery, any outstanding issues remaining, and Plaintiffs' proposal for how those outstanding issues should be resolved. The report should include any outstanding issues related to Plaintiffs' Fifth Request for Production of Documents as well. After the Court reviews Plaintiffs' report, it will issue a briefing schedule to permit VNA to respond, if needed.

IT IS SO ORDERED.

Dated: August 2, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 2, 2023.

s/Holly Ryan

Case Manager, in the absence of
WILLIAM BARKHOLZ